

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

LORENZO DEMOND KYLES,

Plaintiff,

v.

LEHANHA KRIZAN, et al.

Defendants.

ORDER

Case No. 17-cv-188-bbc

Plaintiff Lorenzo Demond Kyles has submitted a certified inmate trust fund account statement for the six month period preceding the complaint in support of the pending motion to proceed without prepayment of the filing fee. After considering the trust fund account statement, the court concludes that plaintiff qualifies for indigent status.

Even when a prisoner litigant qualifies for indigent status, the litigant must pay a portion of the fee returned by the formula set forth in 28 U.S.C. § 1915(b)(1). Using information for the relevant time period from plaintiff's trust fund account statement, I conclude plaintiff's filing fee to be \$350.00. For this case to proceed, plaintiff must submit this amount on or before April 14, 2017.

ORDER

IT IS ORDERED that,

1. Plaintiff Lorenzo Demond Kyles is assessed \$350.00 as payment for filing this case. Plaintiff is to submit a check or money order made payable to the clerk of court in the amount of \$350.00 or advise the court in writing why plaintiff is not able to submit the assessed amount on or before April 14, 2017. If plaintiff does not have enough money to

make the \$350.00 payment from plaintiff's regular account, plaintiff should arrange with authorities to pay the remainder from plaintiff's release account.

2. If, by April 14, 2017, plaintiff fails to make the \$350.00 payment or show cause for failure to do so, plaintiff will be held to have withdrawn this action voluntarily and the case will be closed without prejudice to plaintiff filing this case at a later date.

3. No further action will be taken in this case until the clerk's office receives plaintiff's initial partial filing fee as directed above and the court has screened the complaint as required by the Prisoner Litigation Reform Act, 28 U.S.C. § 1915A. Once the screening process is complete, a separate order will issue.

Entered this 23rd day of March, 2017.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge